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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
C60007.1US

First named inventor: Michael E. Stiles

Application No.: 09/883,343

Art Unit: 1648

Filed: 6/19/2001

Examiner: Mary Mosher

Title: NOVEL BACTERIOCINS, TRANSPORT AND VECTOR SYSTEM AND
METHOD OF USE THEREOF

Attention: Office of Petitions Assistant
Commissioner for Patents Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed
before June 8, 1995; and for all design applications; and (4) Statement that the entire delay
was unintentional.

1. Petition fee

☒ Small entity-fee \$650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$----- (37 CFR 1.17(m)) 2.

Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of ___ a response with extension of time _____ (identify type of reply):

☐ has been filed previously on

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on

☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of
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COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09/04/2003 CNGUYEN 00000078 09883343

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3 SEPT. 2003

Date

Telephone

Number: (301) 203-9781

William J. Bunden

Signature

WILLIAM J. BUNDEN

Typed or printed name

576 FARMINGTON ROAD, WEST
ACCOKEEK, MD 20607

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: _____ Petition for extension of time _____

~~PHONE:~~

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Type or printed name of person signing certificate

REQUEST FOR PATENT FEE REFUND


1 Date of Request: <u>12-9-03</u>		2 Serial/Patent # <u>09883343</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
				\$	
				\$	
		<input checked="" type="checkbox"/> Extension of Time	#15	9-3-03	\$ 985.00
		Notice of Appeal/Appeal			\$
		Petition			\$
		Issue			\$
		Cert of Correction/Terminal Disc.			\$
		Maintenance			\$
		Assignment			\$
Other			\$		
		7 TOTAL AMOUNT OF REFUND		\$ 985.00	
		8 TO BE REFUNDED BY:			
10 REASON:		Treasury Check			
Overpayment		Credit Deposit A/C #:			
Duplicate Payment		9		0 2 -- 4 6 5 0	
<input checked="" type="checkbox"/> No Fee Due (Explanation):		EOT filed outside of maximum extendable timeframe.			
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Liana Chase</u>		TITLE: <u>Paralegal</u>			
SIGNATURE: <u>Liana Chase</u>		PHONE: <u>306-0482</u>			
OFFICE: <u>Off. of Patents</u>					
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****					
APPROVED: <u>Alvin Kelle</u>		DATE: <u>12/12/03</u>			

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 660.0007 000115
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In re Application of Stiles et al.	
Application Number 09/883,343	Filed 6/19/2001
For Novel Bacteriocins, Transport and Vector System and Method of Use Thereof	
Group Art Unit 1648	Examiner Mary Mosher

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$ 55.00
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$ 205.00
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$ 465.00
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$ 725.00
<input checked="" type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$ 985.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$985.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor
☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☒ attorney or agent of record.
☐ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) _____.

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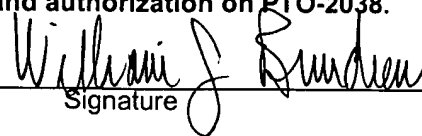
3 SEPT 2003

Date

ate: 12/12/2003 AKELLEY
NGUYEN 00000078 09883343
-985.00 OP

12/12/2003 AKELLEY 0008243600
Name/Number: 09883343

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



William J. Bundren
Typed or printed name

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Adjustment Date: 12/12/2003 AKELLEY
01/04/2003 NGUYEN 00000078 09883343
01 FC:2255 -985.00 OP
Ref: 12/12/2003 AKELLEY 0008243600
024650 Name/Number:09883343
03366 NOTE: Signatures of all the Inventor

12/12/2003 RKELLEY 0008243600
Name/Number:09883343

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

STILES, et al

Serial No.: 09/883,343

Examiner: Mosher, Mary

Filed: 06/19/2001

Group Art Unit: 1648

For: Novel Bacteriocins, Transport and Vector System and Method of Use
Thereof**RESPONSE**Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

~1~

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Applicants, through their undersigned attorney, respectfully request a five month extension of time for responding to the Communication mailed 3 September 2002.

REMARKS

In response to the election/restriction requirement mailed 3 September 2002, Applicants hereby elect Group I, claims 18, 20, and 37-47. Applicants further elect as a species "expressing an un-named bacteriocin with divergicin A processing polypeptide." It is intended that claims 18, 20, and 37-47 are readable on the species election.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 02-4650. A duplicate copy of this form is enclosed.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at 301-203-9781 (a local call).

Respectfully submitted,



William J. Bundren
PTO Reg. No. 31,712

September 3, 2003

576 Farmington Road, West
Accokeek, MD 20607-9796

Telephone: 301-203-9781
Facsimile: 301-203-9825

Claims:

1. Cancelled
2. Cancelled
3. Cancelled
4. Cancelled
5. Cancelled
6. Cancelled
7. Cancelled
8. Cancelled
9. Cancelled
10. Cancelled
11. Cancelled
12. Cancelled
13. Cancelled
14. Cancelled
15. Cancelled
16. Cancelled
17. Cancelled
18. (original) A method for inhibiting the growth of susceptible bacteria in an environment, comprising:
 - providing a microorganism capable of expressing a bacteriocin selected from the group consisting of enterocin 900, brochocin-C, and operable muteins thereof; and
 - applying said microorganism to said environment in an amount sufficient to inhibit the growth of susceptible bacteria.
19. Cancelled
20. (original) The method of claim 19, wherein said foodstuff comprises meat.
21. Cancelled
22. Cancelled
23. Cancelled
24. Cancelled
25. Cancelled
26. Cancelled
27. Cancelled

- 28. Cancelled
- 29. Cancelled
- 30. Cancelled
- 31. Cancelled
- 32. Cancelled
- 33. Cancelled
- 34. Cancelled
- 35. Cancelled
- 36. Cancelled

37. (original) A method for inhibiting the growth of susceptible bacteria in an environment, comprising:

providing a microorganism comprising a secretion vector, said secretion vector comprising:

a first polynucleotide encoding a bacteriocin;

a second polynucleotide encoding a bacteriocin processing peptide operable in said host cell, operably linked to said polynucleotide encoding said bacteriocin; and

a promoter operable in said host cell, operably linked to said polynucleotide encoding said bacteriocin; and

applying said microorganism to said environment in an amount sufficient to inhibit the growth of susceptible bacteria.

38. (original) The method of claim 37, wherein said bacteriocin processing peptide comprises a divergicin A processing peptide or an operable mutein thereof.

39. (original) The method of claim 38, wherein said secretion vector further comprises an immunity gene which confers immunity from said heterologous bacteriocin to said host cell.

40. (original) The method of claim 39, wherein said vector encodes a plurality of different bacteriocins.
41. (original) A method for inhibiting the growth of susceptible bacteria comprising providing a microorganism that expresses heterologous DNA encoding a brochocin peptide, and applying said microorganism to susceptible bacteria in an amount sufficient to inhibit the growth of the susceptible bacteria.
42. (original) The method of claim 41 wherein providing a microorganism that expresses heterologous DNA encoding a brochocin peptide comprises a secretion vector that comprises a first polynucleotide that encodes brochocin-C and a second polypeptide encoding a brochocin-C processing peptide, wherein at least one of the first polypeptide and the second polypeptide are heterologous to the microorganism.
43. (original) The method of claim 42 wherein said second polypeptide encodes an N-terminal amino acid sequence.
44. (original) The method of claim 43 wherein said N-terminal amino acid sequence comprises a signal amino acid sequence.
45. (original) The method of claim 44 wherein said N-terminal amino acid sequence comprises a leader amino acid sequence.

46. (original) The method of claim 41 wherein said microorganism is a lactic acid bacterium.
47. (original) The method of claim 41 wherein said secretion vector comprises a gene for brochocin-C, and operable muteins thereof; a brochocin-C processing peptide operably linked to said gene; an immunity gene; and a promoter compatible with said microorganism and operably linked to said gene for brochocin-C.
48. withdrawn
49. withdrawn